

REMARKS

In the present amendment, claims 1-13, and 15-17 have been amended, and new claims 18-28 have been added. Upon the entry of the amendment, claims 1-28 are pending in the application with claims 1 and 18 being independent claims.

Support for new claims 18-28 can be found throughout the specification, and specifically, for example, on page 51, in lines 26-31 and page 9, line 22; page 12, line 16; page 13, line 2; page 132, lines 5-13 and page 135, lines 13-21; page 132, lines 6-12 and in Table 8 and Figure 47; page 134 lines 6-17 and on page 135, lines 13-21; page 21, lines 1-5, page 22, lines 6-12, page 133, lines 29-35 and page 135, lines 1-15, Table 8 and Figure 47; page 134, lines 6-17; page 18, lines 30-34; page 9, lines 21-22 and 32-34, and page 10, line 1; and page 12, lines 28-30.

No new matter has been added.

Information Disclosure Statement

Applicants thank Examiner for consideration of the IDS. Applicants note that the Examiner has initialed the English language abstracts and/or an English language patent family member for the Japanese documents cited in the PTO 1440, therefore, no further consideration is needed for the Japanese language documents.

Response to Rejections under 35 U.S.C. § 112, first paragraph

The Office Action rejects claims 1-17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the rejection asserts that the claims are “drawn to the action of ‘an active principle containing hydrogen dissolved water’ rather than a particular structure.”

In response, Applicants note that, without expressing agreement with or acquiescence to the rejection claims 1-13 and 15-17 have been amended. Applicants submit that the amendment is entirely responsive to the rejection and respectfully request its withdrawal.

Response to Rejections under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 1-17 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, and without acquiescing to the propriety of the rejection, Applicants note that the claims have been amended. Applicants submit that the instant amendment is entirely responsive to the rejection of the claims under § 112, second paragraph.

In view of the amendments of the claims, Applicants respectfully request withdrawal of the indefiniteness rejection.

Response to Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-17 as allegedly being unpatentable over Miyamoto et al. (US2006/0024382).

Applicants respectfully submit that Miyamoto et al. is not prior art. The current application was filed in the United States under 35 U.S.C. § 371, and thus, its filing date is the filing date of PCT/JP04/15686, i.e., October 22, 2004.

MIYAMOTO (US2006/0024382) is the publication of the U.S. national stage application of PCT/JP04/08042, filed in Japanese on June 9, 2004. The U.S. application publication, US2006/0024382, published on February 2, 2006, which is after the filing date of the present application. The PCT application, PCT/JP04/08042, published on March 17, 2005, which is also

after the filing date of the present application. Thus, neither of these documents has an effective publication date under 35 U.S.C. § 102(a), and neither is prior art as of its publication date.

Applicants further note that because PCT/JP04/08042 was filed after November 1999 and published as a PCT in a language other than English, the U.S. application arising from it is not entitled to *any* date under 35 U.S.C. § 102(e). Thus, MIYAMOTO is also not an effective reference under 35 U.S.C. § 102(e).


Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully request withdrawal of the rejections of record and allowance of the pending claims.

Allowance of the application with an early mailing date of the Notice Allowance and Allowability is therefore respectfully requested. Should the Examiner have any further comments or questions, or wishes to discuss the matter, she is invited to call the undersigned at the telephone number indicated below.

Respectfully Submitted,
Tomoyuki YANAGIHARA


William S. Boshnick
Reg. No. 44550 42,920

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191